

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGÉ A. COLE,

Plaintiff,

Case No. 16-cv-10511

Hon. Matthew F. Leitman

v.

ERIC WILKERSON, *et al.*,

Defendants.

**ORDER AMENDING CASE MANAGEMENT ORDER
AND RESOLVING VARIOUS DISCOVERY MOTIONS**

At a hearing on September 18, 2017, this Court heard arguments on the following motions:

- Defendants' Motion for Fourth Adjournment of Case Management Order Dates for a Period of Ninety (90) Days to Accommodate Facilitation Set for October 20, 2017 (ECF #30) (the "Motion for Adjournment")
- Defendants' Motion to Strike Michael Meeron, DC as a Witness for Failure to Comply with Federal Rules of Civil Procedure Regarding Disclosure Including Fed. R. Civ. P. 26(a)(2)(B) and This Court's Order to Set Reasonable Fee for Deposition of Michael Meeron, D.C. (ECF #31) (the "Motion to Strike Witness")
- Defendants' Motion to Compel Plaintiff to Provide a Rule 26(a)(2)(B) Report with Regard to Her Treating/Expert Physicians or to Preclude Them from Testifying at Trial (ECF #32) (the "Motion to Compel Rule 26(a)(2)(B) Report")
- Defendants' Motion for an Order Requiring Eugene Cole to Appear and Show Cause Why He Should Not Be Held in Contempt for Non-Compliance with Defendants' Subpoena and to Assess Sanctions Against Plaintiff's Counsel (ECF #35, as amended in ECF #37) (the "Motion to Show Cause")

1. For the reasons stated on the record at the hearing on September 18, 2017, the Court resolves the Motion for Adjournment, Motion to Strike Witness, and Motion to Compel Rule 26(a)(2)(B) Report as follows:

On or by October 16, 2017, Plaintiff Georgé Cole (“Cole”) shall submit to Defendants a fulsome, meaningful, and specific summary disclosure of opinions and facts pursuant to Fed. R. Civ. Pr. 26(a)(2)(C) for each of the following treating physicians: Dr. Martin B. Kornblum, Dr. Michael S. Meeron, Dr. M. Wednesday Hall, Dr. Jack Belen, and Dr. Stephen D. Mendelson.

Defendants’ depositions of Dr. Martin B. Kornblum, Dr. Michael S. Meeron, Dr. M. Wednesday Hall, Dr. Jack Belen, and Dr. Stephen D. Mendelson pursuant to Fed. R. Civ. P. 26(b)(4) shall be completed on or by December 15, 2017.

All expert discovery shall be completed by January 29, 2018.

Counsel for the parties shall confer regarding the fees to be paid to each expert witness and/or treating physician to be deposed. Disputes regarding the fee schedule shall be submitted to this Court for resolution.

Given the rulings above,

- The Motion for Adjournment is **DENIED** as moot.
- The Motion to Strike Witness is **DENIED** as moot.
- The Motion to Compel Rule 26(a)(2)(B) Report is **DENIED WITHOUT PREJUDICE** as moot.

2. For the reasons stated on the record at the hearing, the Court resolves the Motion to Show Cause as follows:

On or by October 11, 2017, Defendants shall file a motion concerning the use of Eugene Cole's medical records at his deposition. Cole shall respond on or by October 18, 2017. Once the Court resolves any disputes concerning Defendants' use of Eugene Cole's medical records, Defendants may continue the deposition of Eugene Cole.

Given the rulings above, the Motion to Show Cause is **DENIED WITHOUT PREJUDICE**.

3. Finally, at the hearing on September 18, 2017, counsel for Cole raised a concern about his ability to access a Drive-Cam video that defense counsel had previously provided. During the hearing, defense counsel agreed to provide a second copy of the Drive-Cam video, and defense counsel has since represented to the Court that he provided the second copy to Cole's attorney on September 19, 2017. The Court will give Cole's proposed expert Timothy Robbins an opportunity to supplement his report in light of the second copy of the Drive-Cam video. Cole shall serve any supplemental report by Robbins upon defense counsel by not later than November 20, 2017. Defense counsel shall complete the deposition of Robbins not later than January 4, 2018.

In accordance with this Order, the Court amends the Case Management Order (ECF #28) as follows:

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|---|---|
| a. Expert Discovery Completed By: | January 29, 2018 |
| b. Dispositive Motions/Challenges to Experts: | February 28, 2018 |
| c. Rule 26(a)(3) Disclosures: | April 27, 2018 |
| d. Motion in Limine: | May 25, 2018 |
| | Responses briefs due 10 days after filing but not later than June 4, 2018. Reply briefs due 5 days after responses are filed, but not later than June 11, 2018. |
| e. Final Pretrial Order: | June 13, 2018 |
| f. Final Pretrial Conference: | June 27, 2018 at 2:00 pm |
| g. Trial Date: | July 17, 2018 at 9:00 am |

NO FURTHER EXTENSION OF ANY OF THE DATES SHALL BE GRANTED FOR ANY REASON.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 5, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 5, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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